

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

IN RE: MARIE SERONI MCCONNELL,	{	CHAPTER 13
	{	
	{	
DEBTOR(S)	{	CASE NO. R21-40642-PWB
	{	
	{	JUDGE BONAPFEL

OBJECTION TO CONFIRMATION

COMES NOW N. WHALEY, INTERIM CHAPTER 13 TRUSTEE herein,
and objects to Confirmation of the plan for the following
reasons:

1. The Debtor(s)' payments under the proposed plan are
not current.

2. Pursuant to sworn testimony at the Meeting of
Creditors, Debtor(s) has no regular source of income; thereby,
rendering Debtor(s) ineligible for Chapter 13 relief, pursuant
to 11 U.S.C. Section 109(e).

3. The funding of post-petition mortgage payments has not
been maintained in the above-styled Chapter 13 case; thereby,
rendering the present budget and proposed Plan infeasible, 11
U.S.C. Section 1325(a)(6).

4. Schedule A fails to correctly reference the fair
market value on real estate which is the subject of this Chapter
13 estate; specifically, the Debtor testified that her real
property has a fair market value of approximately \$115,000.00.
The Trustee requests further evidentiary proof for the valuation
of the Debtor's real property.

5. As unsecured creditors may receive less than in a
Chapter 7 liquidation, the plan may not conform to 11 U.S.C.
Section 1325(a)(4).

6. The Chapter 13 petition fails to include debts owed to
the Internal Revenue Service and the Georgia Department of
Revenue, in violation of Bankruptcy Rule 1007(a)(1) and 11
U.S.C. Section 1325(a)(3).

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7. The Debtor's (s') Schedule I reflects a contribution from the Debtor's daughter of \$2,202.00 per month. The trustee requests documentation regarding this contribution. If the contribution is from rental income, the trustee requests documentation such as a copy of the written lease. 11 U.S.C. Section 1325(a)(6).

8. The proposed plan fails to provide for the treatment of Carrington Mortgage Services, LLC. However, said creditor has filed a secured arrearage claim.

WHEREFORE, the Interim Trustee moves the Court to inquire into the above objections, deny Confirmation of this Debtor's (s') Plan and to dismiss the case; or, in the alternative, convert the case to one under Chapter 7.

_____/s/_____
Albert C. Guthrie, Attorney
for Chapter 13 Trustee
GA Bar No. 142399

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CERTIFICATE OF SERVICE

This is to certify that on this day I caused a copy of the foregoing pleading to be served via United States First Class Mail, with adequate postage thereon, on the following parties at the address shown for each:

MARIE SERONI MCCONNELL
307 STEWART DRIVE, SW
CALHOUN, GA 30701-7735

I further certify that I have on this day electronically filed the pleading using the Bankruptcy Court's Electronic Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

SAEGER & ASSOCIATES, LLC

This 1st day of July, 2021

/s/

Albert C. Guthrie, Attorney
for Chapter 13 Trustee
State Bar No. 142399

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